

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:
	:
WILCOCK, LAWRENCE <i>et al.</i>	: Confirmation No. 3640
	:
U.S. Patent Application No. 10/058,045	: Group Art Unit: 2644
	:
Filed: January 29, 2002	: Examiner: Daniel R Sellers

For: AUDIO USER INTERFACE WITH AUDIO CURSOR

**PETITION TO REQUIRE CONSIDERATION
OF THE SECOND SUPPLEMENTAL BRIEF ON APPEAL**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Petition is in response to the February 6, 2009, Notice indicating the Second Supplemental Brief on Appeal has not been considered because it fails to cite statutes, regulations, authorities, and parts of the record relied on with respect to each ground of rejection under appeal. The Second Supplemental Brief on Appeal filed November 11, 2008, identifies the claims on Appeal. This Brief also cites statutes and ten decisions, all listed in the Table of Authorities on page 5 (see, e.g., Section VI of the Brief). The argument refers in great detail to references which are parts of the record. The argument presented in the November 11, 2008, Brief is the same argument that was advanced in the original Brief and was considered by the Examiner in the Examiner's Answer.

Granting of the Petition and consideration of the Brief filed November 11, 2008, are in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: February 17, 2009

AML/cjf